IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE THOTTATHIL B.RADHAKRISHNAN

FRIDAY, THE 13TH JULY 2007 / 22ND ASHADHA 1929

WP(C).No. 36620 of 2004(H)

PETITIONER:

E.N.SASIDHARAN NAIR, S/O.NARAYANAN NAIR,
AGED 50 YEARS, CONDUCTOR, KERALA STATE ROAD
TRANSPORT CORPORATION, R/A. THUSHARAM, NEAR
P & T QUARTERS, THRICHAMBARAM, KANNUR DISTRICT.

BY ADV. SRI.P.K.VIJAYAN

RESPONDENTS:
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1. THE STATE OF KERALA, REP. BY THE
SECRETARY TO TRANSPORT, THIRUVANANTHAPURAM.

2. THE MANAGING DIRECTOR,
KERALA STATE ROAD TRANSPORT CORPORATION,
TRANSPORT BHAVAN, FORT P.O.
THIRUVANANTHAPURAM.

3. THE DISTRICT TRANSPORT OFFICER,
KERALA STATE ROAD TRANSPORT CORPORATION,
KANNUR.

BY ADV. SRI.K.PRABHAKARAN, SC, K.S.R.T.C.
GOVERNMENT PLEADER SMT. SMITHA SUKUMAR

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 13/07/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WP(C) NO: 36620/2004 H

APPENDIX

PETITIONER'S EXHIBITS

EXT.P1. COPY OF THE APPOINTMENT ORDER BY THE KSRTC DT. 5/5/81.

EXT.P2. COPY OF THE LETTER BY THE R3 DT. 11/6/95.

EXT.P3. COPY OF THE REQUISITION OF THE PETITIONER BEFORE THE R2 DT. 16/09/99.

EXT.P4. COPY OF THE FITNESS CERTIFICATE BY ORTHOPAEDIC SURGEON GOVT. HOSPITAL, TALIPARAMBA DDT. 5/7/2001.

EXT.P5. COPY OF THE LETTER MADE BY PETITIONER BEFORE THE TRANSPORT MINISTER, DT. 14/7/2003.

EXT.P6. COPY OF THE REPRESENTATION MADE BY THE PETITIONER BEFORE THE R2 DT. 11/10/04.

EXT.P7. COPY OF THE ACKNOWLEDGEMENTS.

EXT.P8. COPY OF THE FITNESS CERTIFICATE BY THE ORTHOPAEDIC CURGEON, PARIYARAM MEDICAL COLLEGE DT. 16/11/2004.

True copy

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THOTTATHIL B.RADHAKRISHNAN, J.

W.P(C).No.36620 OF 2004

Dated this the 13th day of July, 2007

JUDGMENT

The petitioner, then a conductor in the K.S.R.T.C., submitted his resignation on 11.6.1995. He has filed this writ petition in 2004 pointing out that on 16.9.1999, he filed a requisition to permit him to re-join duty as conductor. The plea made by him is that he had submitted his resignation on 11.6.1995 because he was ill and the respondents were refusing to grant leave. He was also under the threat of disciplinary proceedings for absence. According to him, he has been completely cured off his ailments and it was therefore, that he applied on 16.9.1999 to re-join duty.

2. Respondents have filed a counter affidavit on 28.2.2005 specifically asserting that the petitioner submitted a resignation which was not in proper form and that following the rejection of that resignation, he later submitted a resignation in proper form on 7.7.1995, which was made voluntarily and with a request that

his resignation may be made effective from 7.7.1995. That application was considered by the Corporation and effected his resignation and the resultant vacancy has been filled up subsequently.

In view of the aforesaid uncontroverted statement of the respondents, the relief sought for by the petitioner cannot be granted. The writ petition fails. The same is dismissed accordingly. No costs.

Sd/-

THOTTATHIL B.RADHAKRISHNAN,
Judge

kkb.